

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TYSON EUGENE MARSHEK,

Petitioner,

v.

CASE NO. 2:06-CV-13712
HONORABLE VICTORIA A. ROBERTS

C. EICHENLAUB,

Respondent.

_____ /

ORDER DENYING MOTION FOR RECONSIDERATION

This matter is before the Court on Petitioner's motion for reconsideration or to alter or amend judgment regarding the Court's opinion and order dismissing his § 2241 habeas petition without prejudice on exhaustion grounds. Petitioner reiterates his position that exhaustion will be futile due to the Bureau of Prisons' current policies and that he will be harmed if the Court does not promptly act upon his petition.

A motion for reconsideration which presents issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Petitioner admits that he has already begun the administrative review process. His pleadings indicate that he should be able to complete that process and return to this Court before being affected by any CCC eligibility decision. The Court will act to promptly resolve Petitioner's claims once he has exhausted his administrative remedies should such action be required to protect his rights. Petitioner has not met his burden of showing a palpable defect

by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(g)(3).

Accordingly,

IT IS ORDERED that Petitioner's motion is **DENIED**.

s/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: October 6, 2006

The undersigned certifies that a copy of this document was served on the attorneys of record and Tyson Eugene Marshek by electronic means or U.S. Mail on October 6, 2006.

s/Linda Vertriest

Deputy Clerk